IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 10781 of 2004
and
SPECIAL CIVIL APPLICATION No 10782 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE M.R. SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

DAGAD JUTH TELIBIYA UTPADAK SAHAKARI MANDALI LTD.
Versus
STATE OF GUJARAT

Appearance:
1. Special Civil Application No. 10781 of 2004
MR PS CHAMPANERI for Petitioner No. 1
Ms.Archana Raval, learned A.G.P. for Respondent No. 1-4

CORAM : HON'BLE MR.JUSTICE M.R. SHAH

Date of decision: 30/09/2004

COMMON ORAL JUDGEMENT

#. Rule. Ms.Archana Raval, learned A.G.P. waives

service of rule on behalf of the respondents so far as Special Civil Application No. 10781 of 2004 is concerned and Mr.Dipen Desai, learned A.G.P. waives service of rule on behalf of the respodents so far as Special Civil Application No. 10782 of 2004 is concerned. With the consent of the learned advocates for the parties, the matters are taken up for final hearing today.

#. Being aggrieved and dissatisfied with the order passed by the District Registrar, Cooperative Societies, Junagadh ordering the winding up of the petitioner-society and appointing the liquidator, the petitioners had preferred appeals before the Additional Registrar, Cooperative Societies. The petitioners also moved the applications for stay in the said appeals. However, only the show cause notice was issued and ad-interim injunction was not granted and therefore, the petitioners had preferred revision applications before the State Government. The Dy.Secretary (Appeals), Agriculture and Cooperation Department, by its order dated 26.08.2004 refused to grant interim relief during the pendency of the aforesaid revision applications. Being aggrieved and dissatisfied with the said order, the petitioners had preferred the present special civil applications under Article 226/227 of the Constitution of India.

#. While issuing the notice, this court has passed the order of status-quo existing as on 31.08.2004 and till date the said order of status-quo is continued. In view of the fact that the appeals are pending before the Additional Registrar and the order of status-quo which is granted by this court is continued till date, this court proposes to dispose of the petitions directing the appellate authority i.e. Additional Registrar, Cooperative Societies (Appeals) to decide and dispose of the appeals preferred by the petitioners by which the petitioners have challenged the legality and validity of the order passed by the District Registrar dated 27.07.2004. Accordingly, the Additional Registrar, Cooperative Societies (Appeals), Junagadh is directed to decide and dispose of the appeal preferred by the petitioners challenging the order passed by the District Registrar, Junagadh dated 27.07.2004 as early as possible and preferably within period of two months from the date of receipt of the writ of this order and until then the order of status-quo granted by this court on 31.08.2004 is directed to be continued. The appellate authority is directed to decide and dispose of the aforesaid appeals on its own merits and in accordance with law and in any way, without being influenced by the fact that this court

has granted the order of status-quo and continued the same during the pendency of the appeals, as this court has not gone into the legality and validity of the order passed by the District Registrar, Junagadh. In view of the fact that this court has directed the appellate authority to decide and dispose of the appeals, revision applications filed by the petitioners before the State Government will not survive. Mr.Champaneri learned advocate appearing for the petitioners states that the petitioners will withdraw the revision applications pending before the State Government.

#. Subject to what is stated above, these petitions are allowed. Rule is made absolute to the aforesaid extent with no order as to costs. Direct service is permitted.

(M.R.Shah,J)

(pathan)